## REMARKS

Claims 1-17 are currently pending in the subject patent application. Claims 1, 4, and 10 have been amended, and claims 7 and 15 have been cancelled.

In the subject Office Action, the Examiner rejected claims 10-13 and 15-17 under 35 U.S.C. 103(a) as being unpatentable over Brenton et al. (U.S. Patent No. 5,469,624) in view of Taberlet (U.S. Patent No. 5,060,381), since the Examiner asserted that Brenton et al. discloses a pair of scissors comprising a first shaft (10) having a handle portion (14/16) and a cutting portion (12a) separated by a fist pivot location; a circular thumb ringlet (18); means (36) in the form of a flexible pin for rotatably connecting the thumb ringlet (18) to the first shaft (10); a second shaft (20) having a handle portion (22) and a cutting portion (12b) separated by a second pivot location; means (30) for pivotably connecting the second shaft (20) to the first shaft (10) in the region of the first pivot location and the second pivot location in such a manner that the cutting portion (12a) of the first shaft (10) and the cutting portion (12b) of the second shaft (20) cooperate as opposing cutting portions of the scissors, a finger ringlet (26) disposed on the second shaft (20), a finger stabilizer disposed on the second shaft (20) in the vicinity of the finger ringlet (26) substantially as claimed except the thumb ringlet (18) lacks an open portion; and that Taberlet shows a thumb ringlet (10) having an open portion to facilitate the release of a user's thumb. The Examiner then concluded that it would have been obvious to one skilled in the art to modify Brenton et al. by providing the loop thumb ringlet (18) with an open portion for facilitating the release of a user's thumb as taught by Taberlet.

Claim 14 was rejected under 35 U.S.C. 103(a) as being unpatentable over Brenton (U.S. Patent No. 5,469,624) and Taberlet (U.S. Patent No. 5,060,381) as applied to claim 10 above, and further in view of Mock (U.S. Patent No. 6,131,291), since the Examiner asserted that Brenton et al., as modified, shows all the claimed features, except that it lacks means for adjusting the force between opposing cutting portions of the scissors, and Mock shows a pair of shears comprising means (20, 50) for adjusting the force of the shear blades. The Examiner concluded that it would have been obvious to one skilled in the art to further modify Brenton et al. by

providing the scissors with force adjusting means to facilitate adjusting the ride of the blades as taught by Mock.

The Examiner continued by rejecting claims 1-4 and 7-9 under 35 U.S.C. 103(a) as being unpatentable over Brenton et al. and Taberlet, and further in view of Pracht (U.S. Patent No. 5,109,608), since the Examiner stated that Brenton et al., as modified above, shows all the claimed features except the adjustable thumb ringlet (18) and the flexible pin (36) are of a single integral piece, while scissors having separate a pin that connects a thumb ringlet to a scissor shaft is well known in the art such as the one shown in Pracht in which a thumb ringlet (15) having a hole (27) for receiving a pin (21) that is insertable into the hole (27) and through a tubular portion (26) in a scissor shaft (17) for rotatably connecting the thumb ringlet (15) to the scissor shaft (17). The Examiner concluded that it would have been obvious to one skilled in the art at the time this invention was made to further modify Brenton et al. by making the ringlet (18) and the pin (36) of two separate pieces, since the choice of making a one piece article into two pieces depends more upon personal preference than on any inventive concept.

Claim 6 was rejected under 35 U.S.C. 103(a) as being unpatentable over Brenton et al. (U.S. Patent No. 5,469,624), Taberlet (U.S. Patent No. 5,060,381) and Pracht (U.S. Patent No. 5,109,608) as applied to claim 1 above, and further in view of Mock (U.S. Patent No. 6,131,291), since the Examiner stated that Brenton et al., as modified above, shows all the claimed features except it lacks means for adjusting the force between opposing cutting portions of the scissors, while Mock shows a pair of shears comprising means for adjusting the force of the shear blades (See Col. 3, line 66 to Col. 4, line 1). The Examiner concluded that it would have been obvious to one skilled in the art to further modify Brenton et al. by providing the scissors with force adjusting means to facilitate adjusting the ride of the blades as taught by Mock.

Claim 5 was objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant respectfully disagrees with the Examiner for the reasons to be set

forth hereinbelow. Reexamination and reconsideration are respectfully requested.

Applicants have amended claims 1 and 10 to include a limitation that the adjustable thumb ringlet be substantially circular. This limitation is found in canceled claims 7 and 15, as originally filed, and in FIGS. 1-3, and 5, as originally filed. The amendment to claim 4 is merely the correction of a typographical error. No new matter has been added by these changes.

In Col. 5, lines 50-57 of Taberlet it is stated that: "Finally, returning to FIG. 7, it can be seen that the annular grip **10**, mounted in this way so as to be adjustable in the extension **13** of the limb **5**, also has a part **50** open laterally, making it possible for the thumb **8** to be easily released, in particular when the user has to hold a lock of hair between the thumb and the index finger for example, the pair of scissors being, in this case, only held by the ring finger inserted into the socket **11**." Please also see FIG. 7 of Taberlet, where it is shown that the thumb of a user, **8**, readily slides in and out of grip **10**.

This is to be contrasted with closed ringlet, **18**, described in Brenton et al. which is provided to improve the control of scissors and pivoted grasping instruments (Col. 2, lines 47-52), and with the present invention which claims (amended claims 1 and 10) a substantially circular adjustable ringlet. The substantially circular language of the present invention was used to indicate that a user's thumb is captured by the ringlet. The word "ringlet" is defined as "a small circle or ring" by The American Heritage Dictionary of The English Language, Third Edition, Houghton Mifflin Company, Boston • New York (1992). Moreover, the adjustability described in Taberlet relates to the movability of grip **10** along extension **13**, rather being related to thumb size as is taught by the present claimed invention. Thus, Taberlet clearly teaches away from both the adjustable ringlet of the present claimed invention and the circular ringlet of Brenton et al., since these ringlets effectively capture an inserted thumb.

The Examiner has stated that it would have been obvious to one skilled in the art to modify Brenton et al. by providing the loop thumb ringlet (18) with an open portion for facilitating the release of a user's thumb as taught by Taberlet. Applicant fails to understand how one having skill in the art would be motivated to combine

Taberlet with Brenton et al., since permitting a user's thumb to be easily released from the grip, as is taught by Taberlet, would effectively destroy the control obtained by using the ringlet design of Brenton et al. Therefore, applicant respectfully believes that the Examiner has improperly combined the Taberlet patent with that of Brenton et al. in any rejection under 35 U.S.C. 103(a), since there would be no motivation to combine Taberlet with Brenton et al.

Since this combination is used in all of the Examiner's rejections, applicant believes that the Examiner has failed to make a proper *prima facie* case of obviousness as is required under 35 U.S.C. 103(a) in the rejection of claims 10-13 and 15-17, 14, and 1-4 and 7-9, and 6.

In view of the amendments to the claims, and in view of the arguments presented hereinabove, applicant believes that subject claims 1-6, 8-14, and 15-17, as amended, are in condition for allowance or appeal, the former action by the Examiner being earnestly solicited at an early date.

Reexamination and reconsideration are respectfully requested.

Respectfully submitted,
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